App F IX—4

Previous References

1955
(CM

File No 4 - 55
Serial Nos 42, 134 135
*188, 238

Later References

MYSORE GOVERNMENT SECRETARIAT

Serial Nos File (5)

Part B for January 57

SUBJECT

Allotment of cycle Shop no 19 Lavanya Bazaar, K R Market Bangalore City
Appeal petition from Shri Ahmed Sheriff

WD 0142—GPB—50 000—10 6 57

M G S APP F III—1]

MYSORE GOVERNMENT SECRETARIAT

(CH)

NOTES

File No

FILL HEADING

Appeal Petition (Stamped)

FROM ~~Sajjan~~ Sri Ahmed Sheriff, Shop No 19 Evening Bazar K R Market Bangalore &, ~~Ajam Ahmed~~ through his Counsel Sri L Srinivasa Reddy, Adv No 5 K R Market Bangalore

No Dated 13-6-55 Received 25-6-55

Diary No 2128 Enclos Spare copies Serial No

BRIEF ABSTRACT OF LETTER

Requesting to set aside the order dated 10-5-55 of the Commissioner CCB and to pass orders allotting the entire shop No 19 Evening Bazar K R Market Bangalore

Submitted

NOTES AND ORDERS

The Petitioner is for Kind Perusal

Page 49 C

The petitioner claims the possession of the entire shop No 19 in K R Market the Commissioner CCB has passed an order dividing the shop between the two claimants the petitioner has come in an appeal against the order of the Commissioner.

Appeal lies lie against the order of the Commissioner to the Standing Committee and to the Corporation as regulated by Section 386 of the Corporation Act for orders whether the petitioner ...

Fust Sheet

WD 0 51 GPL— C 00 —

Appeal against the order of the Commissioner passed in allotting Shop no 19

2122/mel	R.R. Market of 195	Mysore Government Secretariat

ire advised accordingly

27/6 Ms 27/6 3) A report will be called for from the Comm

612 Secy (Revenue) 4)

12) 57 437

5) Draft letter is put up 6) Issue

145 Ms 15/7 29)

To the Commissioner of
L 4229/Cr 4-55-62 dt 20-7-55
Calls for a report

Asst 29/7

To the Commissioner of
Letter no A8 PR 15-56/ dt 55 dt 10/12-8-55
forwards the report

7) Sri Ahmed Sheriff Petitioner

Sri Rosharvalli
Sri Mahomed Jaffer } Respondents

8) The Shop no 19 K R
Market Nanjane was leased to

GOVERNMENT

2122

Hussain & Ors on 19 K R Market Bolan
appeal from Ahmed Sheriff

One Lt Goyath Mahomed the deed twelve
years ago Allah Goyath Mahomed's death
the Suit has not been transferred nor changed
into our sons name since then Suit
the Parties abbeart to be in possession
& the Suit so time is no bounds &
Licence both the Parties absent to have
~~Agt~~ Exam to the Suit ~~Book~~ the commissioner
has explained in detail the substance
& the Case in his own page (4)

As ~~Thumb~~ Suit & Them are
in possession in a period & ~~twelve~~ 17 to 8
years ~~was in need to~~ Carrying business
~~defendants~~ ~~disputed~~ in Their respective portions
Commissioner instead &
as ordered that the respective portions
ceased each be Numbered separate
and marked in favour in petitioner
and the respondent in the interest-
ing a notice

Each Party Claim the
possession & the Suit on the ground

2128 / 3371/m/3850

Allotment of Stall no. 19 K.P Market

Appeal from Sri Ahmed Sheriff as lessees.

they are not entitled to the shop, as they are not licensees as such since the orders passed by the Commissioner ceases to be in force for orders

Ref Board to dispose

Sd/ 8

Obviously the Supdt has not read the note

Sd/ 2/9

this is sometimes the case with the Supdts

Sd 2/9

111) The original records had not been sent by the Comm. They were obtained by phone and they are enclosed herewith The C W is requested to note the history of the Case in detail

Sd/-

12) The history of the Case from the records It is stated that Shop no 19 Evening Bazaar Sri Krishnamurthy Market has been in occupation of two persons viz (1) Sri Ahamed Sheriff (the appellant to the fore and 2) Sri Roshan Ali and his brother Mr Ahamed Jaffar The Shop in Question was originally leased in favour of Late Sayed Ahamed and that after his death about twelve years ago the license was neither transferred nor Changed into any body's name and

2122 ∫ 3371/2nd

Allotment of Shall on 19 R R Market
5th Appeal from the Ahmed Shop

that both the petitioners and the Counter petitioners have been in occupation of divided portions of the shop carrying on Aluminium ware business

13) As stated by the Commissioner the petitioner or the Counter petitioner has any right to continue in the shop, since both of them are in unauthorised occupation of the portions of the shop He has also stated that ordinarily they are liable to be evicted and fresh allotment has to be made

14) The Commr, considering the facts that the petitioner and the Counter-petitioner have been carrying on undisturbed and independent business in their respective portions and occupied by them for the last 7 or 8 years, has decided not to evict as ~~not justifiable~~ and to return the respective ~~the balance of Conveyance~~ ~~for~~ Rs 2/- to each of them ~~being in favour of retaining the respective portions of the Stall to the petitioner and Counter-petitioner and~~ He accordingly ordered that the respectively portions occupied by them may be numbered separately and

A statement of facts and rival contentions
appeal for the Ahmed Shah

Counter petitioner Devyani, has file to each portion

15) In the appeal-petition filed by the appellant Sri Ahamed Shah it was stated that the Comm has erred in not framing the entire issue in the by relying on the contradictory statements of the Counter petitioner and the statement of Smt Rehamat Bee the Counter petitioners mother who has not been examined

The Comm has stated that the file does not of course show that Smt Rehamat Bee has been examined and further that the Counter petitioner failed to produce evidence the his grand father was Sri Hayath Ahamed the original lessee

16) The present Comm has further stated in the report as follows

It will be seen from the proceedings of the Comm that he did not seem to have placed much importance to these matters except that he felt that the ends of justice will be met only by maintenance of the status quo for the reasons mentioned

The concluding portions of the proceedings

Allotment of Stall no 19 K K Warner
Appeal from the Assessor Penang

which could also be evidenced by the fact that my predecessor in office did not equally attach much importance to the defective nature of the document of 1949 as pointed out by him at portion marked H (on page 3 of the proceedings) on which the appellant mainly based his claims for the stop."

17) As it is a complicated case, it is desirable that the parties concerned be heard before final orders are passed

19/9 May 15/9

18) Further instructions received from the Asst Sec
He has been pleased to instruct that the grounds
urged by the petitioner and the replies given
by the Comm may be noted here by side

grounds urged by the petitioner	Comm's replies
Comm has erred in giving entire stop bearing under 19 to the petitioner	The Comm states that both the parties (petitioners and the respondents have been in occupation of divided portions of this stop carrying on Aluminium ware business none of them had any

Allotment of Stall no 19 in R R Market —
Corporation of the City of [illegible]

Right to Continue in the Shop
since both of them are in
Unauthorised Occupation
of the portions of the Shop

2 He has erred in allotting
only the portion of the Shop
to the Respondents

3 He says that Considering
the facts that for the last
for 8 years both of them
have been Carrying
undisturbed and
independent business in
their respective portion
now occupied by them
in the interest of Justice
it was ordered that respective
portions occupied by them
may be numbered separately
and be licensed

has erred in placing
nce on the Statements
Respondents which Contain
false allegations and in
not rejecting Contradictions

He has erred in accepting
the petition filed by one
Smt Rahmat Bee and not
examining examining her
Statement

It is seen from the
report that the appeal
of the Case has not been
examined by the Commis
[illegible]
The Counsel says
that Smt Rahmat
Bee had not be
by an
he is se

Statement of Case No 19 K R Market
Corporation of the City of Toronto

5) The Respondents undertook to produce evidence to prove that the original lessee Hogarth McNamee, was their grandfather

6) The Respondents instead of producing evidence as above by the Commissioner, filed a Statement claiming that the original lessee was not their grandfather

7) He has effected an acceptance of his petition

8) He should have established their claim

9) The Commissioner exceeded his proper & legal jurisdiction & procedure & Conscience and Natural Justice

The Commissioner does not seem to have placed much importance to these matters except that he felt that the ends of Justice would be met only by maintenance of the status quo for the reasons mentioned in the Concluding portion of the proceedings

Subject for Order
15
REJ

19 According to the Section 73 of the Corporation Act, the Commissioner may grant for any term not exceeding twelve months a lease of any Corporation immovable property provided that every such lease made or granted by the Commissioner shall be reported to the Standing Committee within fifteendays

With the sanction of the Standing Committee, the Commissioner may dispose by sale or exchange of any corporation movabl

property the value of which does not exceed five thousand rupees in each instance, or grant for any term not exceeding three years ~~years~~ a lease of any Corporation immovable property or a lease or concession of any such right as aforesaid

see 73(2)

2) With the sanction of the Corporation, the Commissioner may lease, sell or otherwise dispose of any Corporation property, movable or immovable

see 73(2)

22) Therefore, the Standing Committee has power to lease for a period of three years The Corporation may lease up to any period above three years With this back-ground, we have to examine how far the provisions of the Act have been complied with by the Corporation The stall No 19 had been leased to one Hayath Mohamed about 12 years back From that time and onwards the market fee has been received every year from some-one who was the occupant of the stall, but the receipts are issued in the name of one Mohamed Hayath vide pages 36, 37, 39, 40, 41, 42, 44, 45, 46 and 47 Though this lessee died 12 years back, no change has been made in the name of the lessee In the year 1952, the same stall seems to have been occupied by one Azeezkhan He has given the stall fees and received the receipts The Sales-tax notices are issued to one Mohamed Imam, occupier of stall No 19 Evening Bazaar, Bangalore This obviously shows that during the year 1952-53, Mohamed Imam was one of the occupiers, whereas the stall fee is shown as recovered from Hayath Mohamed and Azeezkhan, though it is reported that Hayath Mohamed was no longer alive (please pages 43 (flag 'M'-44 and 50(flag 'P')

page 14 tion marked

(of the records) page 36 and onwards

'M'-page 43

'P'-page 50

23) Now the claimants to the stall are Roshan Ali with his brother Mohamed Jaffar who are the sons of Mohamed Imam on the one hand and Ahamed Cheriff on the other

Roshan Ali and his brother have made some allegations against

Ahamed Sheriff and say that Ahamed Sheriff was allowed to carry on his business by his side in the same stall These two brothers state that they are the sons of Mohamed Imam whose father was Hyath Mohamed, the original lessee They thus claim that the entire shop must be allowed to be retained by the

25) Ahamed Sheriff on the other hand states that the representations of Foshan Ali and his brother are not at all true and that the original lessee (that is Mohamed Hayath) allowed his son Sri Samad to carry on business and that Sri Samad and he (Ahmed Sheriff) were carrying on business in the same stall and that Sri Samad left off business selling away his shop rat rights to him for a sum of s 500 " Ahamed Sheriff has produ a copy of the Death Certificate to prov that Foshan A and his brother were not gr ra ors of Hayath Mohamed and that Mohamed Imam's father was one Hyder Sab but Hyath Mohamed Ahmed Sheriff wants that these two persons must be evicted for false statements

26) Whatever may be the allegatio s and counter-allegations of both the parties, the fact is that Ahamed Sheriff is carrying on his alluminium business in his portion and Foshan Ali and his brother in the remainin portion of the shop

27 Taking into consideration the continued occupati of stall No 19 by both the parties for over 12 years, the Commissioner ~~has ordered that both the business~~ has ordered that both the portions of the stalls may b continued to be occupied by the e parties themselves - vide para marked 'B' in page 7 This order of the Commissioner tries to do ustice but it is defective becaus- t does not state the period for which the lease will have to be enforced The Commissioner

could have fixed the period even if the lease has to be continued for one year It has to be made specific in the order

28) The next question that has to be considered is whether the Government can set aside this order and if so under what section

Section 45 of the Corporation Act lays down as follows:

"If on receipt of any information or report obtained under Section 43 or 44, the Government are of opinion

(a) "that any duty imposed on any municipal\authority or under this Act, has not been performed or has been performed in an imperfect, inefficient or unsuitable manner the Government may by an order direct the Corporation or the Commissioner within a period specified in the order to make arrangements to their satisfaction for the proper performance of the duty

Therefore, in this case the Commissioner's order has to be set aside or modified and the present Commissioner be directed to pass a correct order within a period of one month under Section 73 (1) of the Corporation Act

29) What is peculiar in this case is the way in which the stall has been leased to the parties by the Corporation This case exhibits callous indifference on the part of the market authorities to renew the lease every year under orders of the Commissioner or to renew the lease once in three years under the orders of the Standing Committee or to renew the lease above three years under orders of Corporation For over sixteen years the stall No 19 is allowed to be occupied by someone in whose name the stall is not leased vide portion marked 'A' in page 6 though there was a separate officer called the Market Superintendent, how he allowed the stall to be sub-divided by

3571/111

Allotment of Shop No. 19 K R Market — 13

Corporation of the City of Bangalore.

4623

---

is not known Receipts are issued in the name of Mohamed Yeth though he was not living on that date, receipts are issued in the name of Armed Sheriff, receipts are issued in the name of Unnamed Inam All these go to show that the Krishnarajendra Market Building which is one of the principal sources of income to the Corporation is allowed to be run by indifferent subordinates over whose work there was no proper check The Commissioner may be requested to take such action as is necessary to know when the lease period will be over in respect of several classes of tenants and to renew the leases afresh by passing definite and clear orders every time the lease period is over

30) Orders are solicited on points raised at 'A' and 'B'

EDUCATION & LABOUR DEPARTMENT 10439 4 OCT 1955 SECRETARIAT BANGALORE

31) Secretary, Edn & L S G Deptt 5/10

PC

Municipal Act D 4 & 5

32) The points raised at paras 29 & 28 A may be examined in the light of remarks offered

Law Secy 6/10/55

SECRETARIAT TO GOVT. LAW DEPARTMENT 1955

33) The administrative Secrett may kindly consider whether the period of the lease in question cannot be deemed to have been covered by Sec 106 of the Transfer of property Act The Advocate for the Corporation who was perhaps have been consulted in the matter may be able to throw some light on the point I am not quite sure whether this is a case in which

21 ? (3371/11

Stat no 19 K R Parcel 1623 Corporation of
re cy-pres

release could properly be had to sec 43 of the Act However, it may be ascertained whether necessary steps will be taking taken for the getting of fresh lease deeds executed

Secy L.S ?) 5/4

OFFICE OF THE ... FOR PUBLIC HEALTH LC L & LF CJ R ENT 25 JV No 3962

34) Yes Please

1/35

35) Make out a draft letter for approval

DS 11/11 Mr 12/4

36) Draft letter is for appl But the dft letter is in the form of a direction to effect a fresh lease deed and close the matter DS then in the form of a final order The Hon Minister may kindly see the letter Of then is issued, the question of hearing the Party does not arise DS an advocate has appeared on behalf of Sri Ahmed Shariff it is for orders whether they may be heard or whether the opinion of the Govt as agreed to at Para 34, may be communicated without hearing the Parties

EDUL 22 1 29 88 1 45 1430

Secy Edn & Dev) 11/11

37) When a Counsel has come up it is better to hear him for the party in the first instance 11

Minister (Edn) 24 11 88 2.11

3371 J 3850 3371/14 J 6415 J 8108

Stall no 19 K R Market - Corporation
Re eg of Stalls

3966 38) There is no need to hear the parties at this stage Enquiry may be made as in para 33 in the first instance

The Advocate
G. T Nagaraja Advocate for the respondent requesting to reject the appeal

39) May the draft already prepared

40) Issue

Rejected
Ms 12/12

13/1

Send Summons CORS
L 11457/CN 4-53 - 133 dt 16-12-55
Calls for further position

From The Comr Letter No A3 Pf 15847/55 56 dated 25/1/56 forwarding his opinion on the matter

41) The Corporation Advocate has given out that the lease is not covered by Sec 106 of Transfer of Property Act, but is covered by Sections 313 of the Corporation Act It is further stated that both the Parties have no legal right but they have been allowed on Consideration of equity The Commissioner has stated that necessary deeds will be taken from both the Parties after final orders are passed for orders reference in Para 33 34 & 38 supra

3850 / 6615 / 8708/ml

Appeal against the lease of stall No 19
Bangalore Corporation

7954
Laws 58 Ob

43) The file may now be referred to the Law secretary with the opinion of the corporation Advocate for further remarks with reference to para 33

Hc 6/2

43) Hayde reference to ~~Corpn Advocate~~ Law Dept

9/2

17603

Secy (Edn & Dev) 44)

22/2/56

Law Secy) 45)

Dl

The question relates to the alleged encroachment in leasing stalls in the City Market and the power vested to enforce under Section 43 of the B'lore Corporation Act Kindly advise us in detail to legal opinion already expressed at para supra in view of the different views expressed by the Corporation Advocate, & after the Advocate-General is consulted 46) Law Secy)

NMN
Hc 6/2 26/2 UO No 438/55 Ob Dated 9/3/56 & 2/56
forwarded to the Advocate General for favour of opinion

By order
H.K. Narasimhan
for Secy to Govt
Law Dept

9/3

UOT 436/55-56
BANGALORE
d 9 3 56

UOT 146/58 57 d 24-7-58

not Thanks See 43 can be invoked upon enforce with the words of the Commissioner of the Corporation who has ordered that half of a stall leased to these persons, owner of them claiming stall for himself. This is matter of

3850 / 6415 / 8105 / mm

Appeal against the lease of Kali No 19 K R No
Bangalore Corporation 7954 / Law

detail and of minor importance in the day to day
administration of the corporation
However, I have perused the order of the Commissioner
and it appears to me just and equitable in the
circumstances of the case

49) Sec 43 intended, as a perusal of
Ss 43 to 46 will show that it intended
to be resorted to where matters of policy or at
any rate matters of considerable magnitude and
importance are involved It may even be
resorted to perhaps where the corporation (i.e the
Concerned Official) is actuated by mala fides
are present in the case none of the factors aforementioned

50) matter of leasing half the plot or
the plot and any dispute arising out
of it must be left to the authorities
constituted under the Act, viz the Commissioner
the concerned standing Committee and the
Corporation In my opinion Government
control over such may I say in appropriate
matters is not contemplated by the Act

Sgd Ethirajulu Naidu
21/7/56

51) Sgd Kedar Nath Singh
25/7

52) Subj

In view of the opinion expressed in paras
(48) to (50) supra by the Advocate General in the
matter to which Law Secy has also concurred,
whether the appeal petition may be rejected
or whether the parties may be heard before
passing orders in view of orders at para 37 supra
38 above or for orders

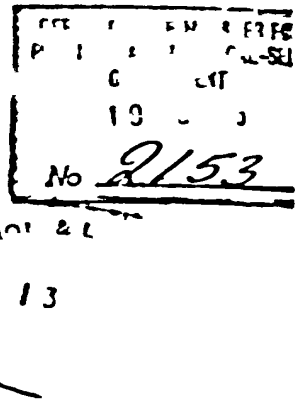
53) Legal Opinion may be acc
27/7

GOVERNMENT
24 JUL 1956
ENT

EDUCATION & L S G SECRETARY
25 JUL 1956

L S G SECRETARY
27/7

Appeal petition of Sri Ahmad Sheriff - re
allotment of stall No 19, Evening Bazar
KR Market
Encl-1



13/9/56

sl) Order endorsement is put up for appl-
13/9/56

SA

Sri Ahmed Sheriff thro L Srinivasa Reddy, Advocate
Issued No L9369/CM 4-15-238 dt 3/9/56
Informs that Govt do not consider this case
fit case to interfere cl
Copy to Hon Commissioner, C C B thro Mayor
Copy to Memo No 9365 dt 3/9/56

Sus 27/8 —8108

CHENNARUDRAIYA, I A S -

CORPORATION OFFICE
BANGALORE

Dated 19th Sep' 1956

D O No A3/P R 1584/55-56

21/9/56

Dear Sir,

Reference - Your Memo No L 9368 dated 3-9-56 forwarding a copy of letter No L 9369/C M -4-55-238 dated 3-9-56 addressed to Sri Ahmed Sheriff stall No 19 Evening Bazaar, K R Market

---

With reference to your Memo No L 9368 dated 3rd September 1956 quoted above, I write to state that the connected records said to have been returned has not been received in this Office

I request therefore that the connected records may be arranged to be returned immediately

Yours sincerely,

D R Meenambiga

To
Sri P Honnappa, B.A ,
Assistant Secretary Government,
Education & Local Self Government
Department, Bangalore

19/9

VKR
19/9/56

K MOHAMED AHMED, I A S ,
~~[illegible]~~
~~[illegible]~~

COMMISSIONER CORPORATION OF BANGALORE

CORPORATION OFFICES
BANGALORE 2

D O No A 3-P R 1584/55-56

29th Oct , 1956

Dear Sir,

Re -(1) Your Memo No L 9368 dated 3-9-1956 forwarding a copy of letter No 9367/C M 4-55-238 dated 3-9-1956 addressed to Sri Ahmed Sheriff, Stall No 19, Evening Bazaar, K R Market

(2) This Office D O letter of even No dated 21-9-1956

I request that the connected records referred to in my D O letter quoted above may kindly be expedited to enable me to take further action in the matter

Yours sincerely,

29/10

Sri P Honnappa, B A ,
Asst Secretary to Government,
Education & L S G Departments,
BANGALORE

SVR)

The other D O letter received from the Commr of B'lore is placed below the connected main file on the subject (D No 8108/ml) which was linked to another file bearing D No 4174/ml relating to Levy of rent on B T C Bus stops and sent to Asst Secy Laws on 15/9/56 Hence this may be referred to Asst Secy Laws to secure back the file immediately

10/11

59 The main file has been sent to the Advocate General on 18-9-56 (D No 4257/Laws) If appln, this will be kept in view for expediting return of the file

Advocate General

forwarded with the main file

LOHAMED AHMED, I A S

Bangalore,

Dated 11th Dec , 1956

309/A

15 DEC 19[illegible]

No A 3-Pr 1584/55-56

Dear Sir,

Ref - Lemo No L 9368 dated 3-9-56 from the Secretary to the Govt of Mysore, - Education & L S G Departments, forwarding a copy of letter No L 9367/C M 4-55-258 dated 3-9-1956 addressed to Sri Ahmed Sheriff, Stall No 19, Evening Bazaar

---

I write to state that the connected records said to have been sent with the Government's Memo No L 9368 dated 3-9-1956 quoted above was not received in this office Sri P Honnappa, the then Assistant Secretary to the Government, was therefore requested to expedite the return of the records in my predecessor's D O letter and reminder of even No dated the 9-9-1956 and 5-11-1956 But the records have so far not been returned

I request you kindly, therefore, to arrange for the return of the records immediately

Yours sincerely,

Sri S A L Razvi, I A S ,
Secretary to the Govt of Mysore,
L S G & Public Health Departments,
BANGALORE

the main file bearing D No 8108/mel on the subject has been linked with D No 4174/mel 23 (re levy of Rent on B T C Bus Stops) the file D No 173/mel/A was submitted to the L S G Secy on 1-12-56 The return of the main file may be awaited

7/12/56

64) 17/12

Appeal against the lease of Stall No 19 K R Market Bangalore Corporation

8108 / 4999 / 6166 / 309/A

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65) A draft letter returning the connected records to the Commissioner put up for appl

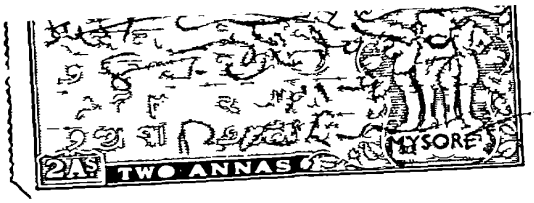
The file is delinked from file No [illegible] 26/12

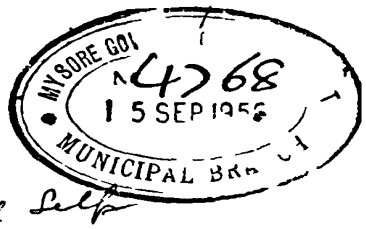
Sent 29/12

66) 28/12 29/12

The Commissioner
Corporation of the city
Bangalore

L 13894/W 29 12 56
Returns the records





9/56

... for Local Self-Government ... Bangalore

CR14-SS-238 Govt of Mysore ... Bangalore

Appellant L 2267 dated 3/9/56
x Ahmad Sheriff

Respondent vs Rahamathulla

... application ... the undersigned ... of an enhancement ... if not ... passed an ... appeal ... that ... Srinivasa ... Bangalore

11/9/56

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b) Subject connected ... file learning Dno 8108/rul was linked to another file No 4174 relating to levy of ground rent on BTC Buses/Stops ... subject to the Asst Secy Laws on 15/9/56

2 It appears, this may be referred to Laws Dept to make available the file Dno 8108/rul to enable grant of ... an endorsement ... to the party

17/9

b) Asst Secy

Laws Dept 20/9/56

The matter ... has been sent to this Dept Counsel (under Dno 4251/Laws) on 18/9 ... is passed, he will be requested to expedite ... return

4/10

DTO

4768/2nd "U O No. 2220 Laws 18-57 417/A

Dated 15/10/58

71) Forwarded for the Advocate General for favour of return of the main file Proceedings U O T 320/52-57 & 22-11-52 A/S Law U/O

b The marginal with the opinion has already been returned in this office as U O T 303/52 dated 20-11-1952

Sd/- Illegible

Advocate General

73) The main file has been returned to Secy C S G on 22-11-56 The Secy may be returned to A/S Home (Asst Secy Financial) RS

14) The referred to at para not been received

#174/173 Subsidy Secy 21/12/56 of the Notes back yet the return of the main file may be awaited

Sd/- M/11-V

Sd/- 7/12/56

h 17/12

Appeal against
K.R Market, Bangalore Corporation

Mysore Government Secretariat

[App F III 2

File No 309/A of 195 4768 417/Mrkt

Serial No

26) Sri S J Srinivasan counsel for the Respondent Vij, Roshanah has requested for the grant of the endorsement issued in letter No 9367/93 J 56 since he a party in this appeal case a draft endorsement put up for approval [Vide orders in paras 48-57 J the Notes file placed below]

Submitted
3/11/57
Ag 4/1

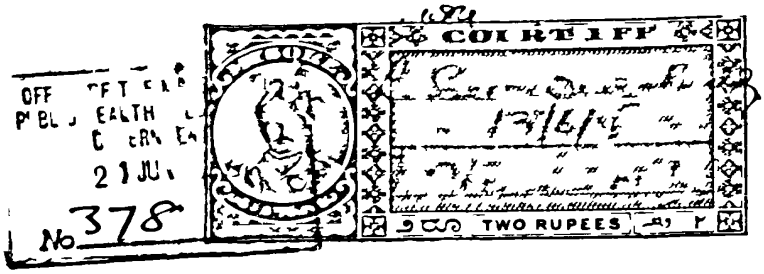
Endorsement to Sri Roshanah
Advocate
Sri S J Srinivasan
Bangalore
[1480] CM 4D-1957
dt 21 1 58

Advocate
17/11/57

This file was found never with other files
Hence may be sent to the Br for necessary action

Under Secy
Mr Br
23/8/58

Mr
15/6
Mr Br
4/6



BEFORE THE JOINT REGISTRAR FOR LOCAL SELF GOVERNMENT, GOVERNMENT OF MYSORE, BANGALORE

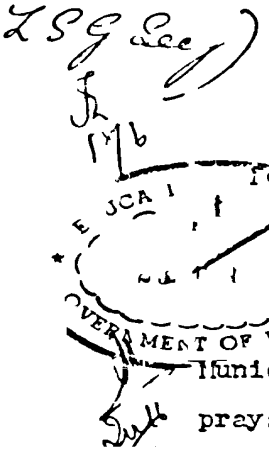
Cm 4 55 - 42

PETITIONER - Ahmed Sheriff,
stall No 19, Evening Bazaar
Sri Market, Bangalore-2

RESPONDENTS - 1 Roshanvalli,

2 Mohamed Jaffar,

sons of Mohamed Imam, Manikyam Mastan Dargah, Avenue Road, Bangalore-2



re allotment of Shop No 19, Evening Bazaar, Sri Market, Bangalore City

Under Section 43 of the City of Bangalore Municipal Corporation Act, 1949, the petitioner prays to call for the records from the Office of the Corporation of City of Bangalore in respect of stall bearing No 19, Evening Bazaar, Sri Market, Bangalore City and set aside the orders passed thereon on 10-6-1955 by the Commissioner for the following among other grounds -

1 That the learned Commissioner has erred in not giving the entire shop bearing No 19, to the petitioner

2 The petitioner submits that the learned Commissioner has erred in alloting half the portion of the shop to the respondents

3 The petitioner submits that the learned Commissioner has erred in placing reliance on the statements of the respondents which contain

allegations and further erred in not noticing the contradictions in the various statements ~~xx~~ filed by the respondent

4 The petitioner submits that the learned Commissioner erred in accepting the petition filed by one Smt Rahamat Bee, supporting the claim of the respondents This woman was not examined and her statement was not recorded by the Commissioner The learned Commissioner ought to have rejected this petition The acceptance and placing much reliance on this petition by the learned Commissioner is opposed to the well established law, procedure, good conscience and natural justice

5 The petitioner submits that the respondents during the course of the arguments on 12-4-1955 undertook to produce evidence to prove that the Original Lessee Hayath Mohamed was their grand-father

6 The learned Commissioner has noted down in his judge's notes their undertaking to produce evidence But the respondents instead of placing evidence have filed a statement on 24-4-55 stating that the original Lessee was not their grand-father

7 The learned Commissioner erred in accepting this petition and he ought to have rejected the same

8 The learned Commissioner ought to have dismissed their claim to the shop in view of the false statements filed by the respondents

9 The learned Commissioner erred in not alloting the entire shop to the petitioner who had produced all valuable evidence which proved beyond doubt his right to the shop

10 The learned Commissioner's order is opposed to law, facts, procedure, good conscience and natural justice

PRAYER -

WHEREFORE, the petitioner prays to setaside the order passed by the learned Commissioner on 10-5-1955 and pass such orders alloting the entire shop bearing No 19, Evening Bazaar, R Market, Bangalore City to the petitioner

(sd) Ahamed S

L Sreenivasa Reddy
ADVOCATE FOR PETITIONER

PETITIONER

BANGALORE
13th June, 1955

A petition has been presented by Sri Ahamad Sheriff requesting that stall No 19 in Sri Krishnarajendra Market may be registered in his name since he has been doing business there for more than 7 or 8 years In support of his case he states that this stall originally leased to one Sri Hayath Mohamad and after his death he entered into partnership agreement with his son Sri Abdul Sammad and took over the stall along with the articles therein on payment of Rs.500/- He has produced a stamped paper document dated 20-11-1949 He has also produced some license fee receipts paid to the Corporation in the name of the original lessee and a few post cards wherein his address is noted as 19 Krishnarajendra Market, Bangalore

There are two counter petitioners by name Sri Roshan Ali and his brother Sri Mohamad Jaffar who are admitedly carrying on alluminium-ware business in the western half of this stall, their case is that they are the grand sons of the original licensee Sri Hayath Mohamad and have been in the occupation of this stall since the death of their father Sri Mohamad Imam who, according to them is the son of Sri Hayath Mohamad They have also produced certain receipts to show that they have paid the license fee towards this stall They however stated that the petitioner Sri Ahamad Sheriff was permitted by their father Sri Mohamad Imam to do some tailoring business in a small portion on the eastern side of this stall some time ago and that he is continuing to occupy the same and converted his business into alluminium wares and is refusing to evict inspite of demands Their request is that he should be evicted From a perusal of the records and from the case put forward by either side, the following facts are undisputed namely that stall No 19, was originally licensed in favour of Sri Hayath Mohamad and after his death about 12 years ago the license was neither transferred nor changed into any body's name so far and that both the

petitioner and the counter petitioners have been in occupation of the devided portions of this stall carrying on alluminium ware business The petitioner does not claim any relationship of the original licensee But he putsforth his right to occupy the stall on the basis of his entering into the partnership with Sri Abdul Sammad the son of the original lessee The counter petitioners putforth the plea that they are the grant sons of the original licensee Sri Hayath Mohamad and therefore they are his successors and are entitled to continue in the shop Both the counter petitioners took time to produce birth and death register extracts to show that their father Sri Abdul Sammad was the son of Sri Hayath Mohamad of the original licensee They did not do so On the other hand the petitioner has produced a certificate of death from the Office of the Registrar General of Births and Deaths which discloses that one Sri Mohamad Imam aged 45 son of Sri Hyder Sahib died on 11-5-1954 This and the non production of a similar certificate by the counter petitioners proves that their father Sri Mohamad Imam was not the son of Sri Hayath Mohamad, the original licensee Thus it is seen that neither the petitioner nor the counter petitioners are either the successors or the lessees recognised by the Corporation Commissioner It is strange that for nearly 12 years both the parties have not come forward with their claim and sought for the stall being licensed in their names I have perused the report of the Revenue Officer and the statements of the neighbouring stall holders 18 and 20 and perused the records filed in the case Atleast for the last 7 or 8 years both the petitioner and the counter petitioners have been carrying independently business in the respective portions of the stall now occupied by them There is also a note it is reported in the list of the sub-lessees prepared in the year 1951 that the shop was unauthorisedly bifurcated and that the occupants

were Sri Mohamad Imam brother of the late licensee and Sri Ahamad Sheriff the petitioner When I paid a surprise visit and made enquiries on the spot, it was evident that the respective occupants have been carrying on their business there for the last atleast 7 or 8 years Neither the petitioner nor the counter petitioner have no right to continue there any longer since both of them are in unauthorised occupation of the portions of the stall Ordinarily therefore they are liable to be evicted and fresh allotment made The theory of the partnership set up by the petitioner in the year 1949 cannot be taken to have been proved apart from the fact that such unauthorised transaction does not give him any right unless it was got recognised in due course It is even doubtful whether this partnership agreement refer to stall No 19, in question because there is the recital at the fag-end of the agreement that the executent Sri Abdul Sammad had taken over this stall from one Sri Syed Abdul Razack and states that the plain paper document had been obtained and handed over to this petitioner for reference Strangely, this plain paper document has not been produced by the petitioner Who this Sri Syed Abdul Razack is? whether what he handed over to Sri Abdul Sammad was this shop at all is not clear Further Sri Abdul Sammad discribes himself in the stamp paper agreement that he is the son of Sri Hayath where as our licensee is Ri Mohamad Hayath Taking this coupled with the fact that the said Sri Abdul Sammad obtained the stall from one Sri Syed Abdul Razack go to show that this agreement may not refer to the stall in question at all There is a further allegation that since the counter petitioners brothers have got 3 or 4 other stalls in th Sri Krishnarajendra Market this stall should not be allotted to the counter petitioners It is seen from the petition presented by Sri Rahamad Bee mother of the counter petitioners that herhusband has through the first wife whose sons became divided from their father long back and have been separately carrying on their business Therefore there is no force

in the contention of the petitioner Further there are several persons holding more than one shop in the market There is no prohibition for a person to have more than one stall in the Krishnarajendra Market In view of the above, I think that balance of convenience is in favour of retaining the respective portions of the stall to the petitioner and the counter petitioners rather than in favour of evicting them eventhough they are in unauthorised occupation since they have been in undisturbed possession of the same for over 7 or 8 years I therefore order that the respective portions occupied by them may be numbered separately and licensed in favour of the petitioner and the counter petitioner and levying half fee to each portion

(Sd) K Henjerappa,
10-5-55

"TRUE COPY"

N Seaaalu[illegible]

Copy applied by Sri. Ahamad Shariff

Copy applied on 19-5-55

Copy ready on 31-5-55

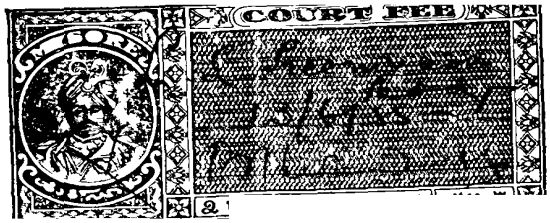
Copy delivered on 31-5-55

Copied by M Keshava Rao

Compared by B-G Thimmarayappa

Copying and comparing fee

C A No 24/55-56



~~In the Court of~~ Before the Hon Minister for Local Self Government in Mysore Bangalore

No **of 195**

~~Plaintiff~~/Appellant/Petitioner ~~Decree Holder~~/Claimant ~~Complainant~~		~~Defendant~~/Respondent ~~Judgement Debtor~~ ~~Accused~~
Akam Sharyf	*Vs*	1) Rokhamath and another

I/~~We~~ Ahamad Sharyf *above named do by these presents retain*

Sri K Sreenivasa Reddy B A, LL B, Advocate Rooms No 5 K R Market Bangalore-2

to appear and conduct the above case on my/our behalf to judgment

2 I/We further empower him/them to appear plead file petitions enter into compromise and do all necessary acts in the above case to execute any decree or order that may be passed in my/our behalf to prefer an appeal from any order judgement and to receive from the Court all the documents refunds and all sums of money that I/We may be entitled to get and grant receipts therefor and to effect compromise or settlement

3 I/We also undertake to confirm and ratify all the acts done by any of the said Advocates or by any other Advocate or Pleader on his/their behalf in so doing

4 I/We further agree that if I/We fail to pay the fees agreed upon or to give due instructions at proper stages he/they is/are at liberty to retire from the case and recover all dues due to him/them and retain all my/our papers till such dues are paid

(sd) Ahamad Sharyf

Place Bangalore

Date 13 6 1955

Personally known to me and Signed in my presence
Satisfied as to identity of Signature of Executant
K Sreenivasa Reddy

Accepted
K Sreenivasa Reddy

Advocates for ~~for~~ the Petitioner

Sold at The Bangalore Legal Practitioners Co operative Society Ltd Bangalore 2 Date 13 6 55

Appendix F G —1]

SUBJECT Appeal petition dated 13-6-55 from the Ahmed Sheriff against the allotment of Shale at No 19 Evening Bazaar, K R Market Block to Cancel the allotment of Smt Srinivasa Reddy BA LLB

Diary No of letter replied to 2122

Section CH
File No 4-55
Serial No 91

Mysore Government Secretariat

( )

the *195*

No L 4229/1 Rend dated 20/7/

To The Commissioner Corporation Mysore

Date of issue

Signed by

I am directed to forward herewith the above petition, (in original with enclosures) I am directed to request you kindly to send a detailed report very early

The petition and the enclosures may kindly be returned along with the report

List of enclosures

Copied by

Examined by

20/7

WD 04859—GPB—40 000—22-1-54

CORPORATION OF THE CITY OF BANGALORE

No A3/Ba 1584/54 55 Encls

3371 17 AUG 1955 MUNICIPAL BRANCH

CORPORATION OFFICES,
BANGALORE

Dated 10th August, 1955

FROM

D R CHENNARUDRAIYA B A M Sc
COMMISSIONER,
CORPORATION OF THE CITY OF BANGALORE,
BANGALORE

TO

THE SECRETARY TO THE GOVT , OF MYSORE,
Education & L S G Departments,
Bangalore

SIR

SUBJECT - Appeal petition dated the 13th June 1955 from Sri Ahmed Sheriff against the allotment of Stall No 19 Evening Bazaar Krishnarajendra Market, Bangalore City through his Counsel Sri L Sreenivasa Reddy, B A , LL B ,

Ref - Your letter No L 4229/C II 4-55-42 dated 20-7-1955 calling for a detailed report

With reference to your letter quoted above, I write to state that the Shop No 19, Evening Bazaar, Sri Krishnarajendra Market, has been in occupation of two persons viz (1) Sri Ahmed Sheriff (the appellant to the Government)and (2) Sri Roshan Ali and his brother Mohamed Jaffar These two parties having put in their claims for exclusive and sole possession of the shop by hotly contesting their respective cases through their lawyers, my predecessor in Office (Sri K Henjerappa) went into the case in detail by making spot enquiries and examining the documents produced He observed that from the case put forward by either side it is clear that the shop in question was originally leased in favour of Sri Hayath Mohamed and that after his death about twelve years ago the license was neither transferred nor changed into anybody's name and that both the petitioners (the present appellant to the Government)and the counter-petitioner have been in occupation of divided portions of this shop carrying on Alluminium ware business That neithe the petitioner nor the counter petitioner has any right to continue in the shop, since both of them are in unauthorised occupation of the portions of the shop Ordinarily, therefore

therefore they are liable to be evicted and fresh all. But considering the facts that for the last 7 or 8 years both of them have been carrying on undisturbed and independent business in their respective portions now occupied by them, the eviction is not favoured, the balance of convenience being in favour of retaining the respective portions of the stall to the petitioner and the counter-petitioners He ordered, therefore, that the respective portions occupied by them may be numbered separately and licensed in favour of the petitioner and the counter petitione levying half fee to each portion

In the appeal petition submitted to the Government, the appellant Sri Ahmed Sheriff states that the Commissioner erred in not giving the entire shop to him by relying in the contradictory statements of the counter petitioners and the statement of Sm Rahamat Bee, the counter petitioner's mother who has not been examined The file does not, of course, show that Sm Rahmat Bee has been examined The counter petitioner is reported to have stated before the Commissioner on 12-4-1955 to produce evidence that their Grand Father was Sri Hayath Mohammad, the original lessee But they in their subsequent letter states he is illiterate, ignorant man and the earlier statements made regarding the relationship with the late Sri Hayath Mohamad, original lessee is incorrect and it was got done through some friend who did not perhaps understand what the petitioner had meant It will be seen from the Proceedings of the Commissio that he did not seem to have placed much importance to these matters except that he felt that the ends of justice will be only by maintenance of the status quo for the reasons mentione in the concluding portion of the proceedings, which will also be evidenced by the fact that my predecessor in Office did not equally attach much importance to the defective nature of the document of 1949 (as pointed out by him at portion marked 'A' on page 3 of his proceedings) on which the appellant mainly based his claims for the shop

contd

In view of the detailed proceedings of my predecessor in Office after elaborate enquiries, I have nothing further to add

The appeal petition of Sri Ahmed Sheriff in original with vakal to his Counsel Sri L Sreenivasa Reddy and the copy of the detailed proceedings of my predecessor dated 10-5-1955 are returned herewith as desired The complete file of papers will be sent, if desired

Yours faithfully,

(V P DEENADAYALU NAIDU)
MAYOR

(D R CHENNARUDRIYA)
COMMISSIONER

SVR)

COURT FEE INDIA

COURT FEE INDIA

CORPORATION OF THE CITY OF BANGALORE

No A 3-P R 1584/55-56

Encl 1 file and one Plan of Lamps & Posts

CORPORATION OFFICES

BANGALORE

3850

Dated 3rd September, 1955

MYSORE MUVI LEGAL BRANCH 3 SEP 1955

FROM

THE COMMISSIONER,
CORPORATION OF THE CITY OF BANGALORE

To

BANGALORE

The Assistant Secretary to the Gov
Education & L S G Departments
Bangalore

Mysore

C/F 4-55-134

Re Shop No 19, Evening Bazaar, Sri K R Market
Correspondence ending with this Office letter
of even No dated 12-8-1955

In compliance with your message on the Phone at 10 A M , to-day, I enclose the connected file containing 93 pages, a bundle of receipts and letters produced by the petitioner Sri Ahmed Sheriff and Court decree containing 102 pages, which may kindly be returned when done with

Yours faithfully,

N Siddalingappa

(N SIDDALINGAPPA)
FOR COMMISSIONER

SVR)

BEFORE THE HON'BLE THE MINISTER FOR LOCAL SELF GOVERNMENT
GOVERNMENT OF MYSORE, BANGALORE.

No ——— Mrs Case No /55

PETITIONER. Ahmed Sheriff

-Versus-

RESPONDENTS 1 Rhousan Ali

2 Mohammed Jaffar

29 NOV 955

In the matter of Shop No 19, in Sri KrishnaRajendra Market, Bangalore

The Respondents beg to state as follows

1 The Respondents have been carrying on Aluminium-ware business in the western half of the stall bearing No 19, Sri KrishnaRajendra Market They are the grandsons of the original lessee Sri Hyat Mohammed They have been in possession ever since the death of their father Mohammed Imam Saheb, son of Hyat Mohammed Saheb They have said Kandayam in respect of the stall which they produced before the Municipal Commissioner at the time of the enquiry They have paid the license fee towards the stall In a small portion on the eastern side of the stall, the petitioner was allowed to do some tailoring business and with a view to defraud the respondents, he has converted his business into one of Aluminium-ware and refused to quit in spite of several repeated demands After having put forward their case, the learned Municipal Commissioner came to the conclusion that the said Ahmed Sheriff had no case But still as a measure of equity, he allowed the respective portions of the stall to be in the possession of the petitioner and the respondents and further ordered that the said stall should be bifurcated and separately numbered and the license in favour of the petitioner and the respondents should be separately taken and the stall separately assessed, each occupant paying half of the assessment

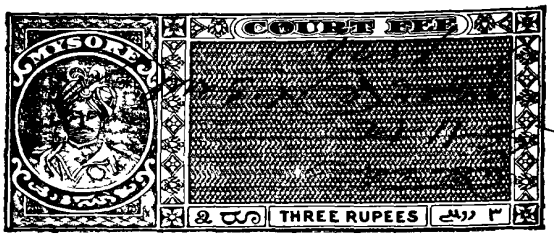
That was an order passed on 10-6-1955 But the petitioner with a view to cause further trouble, has now come forward, it appears with the petition before the Hon'ble Government The respondents submit that the petitioner has no case and he has foisted the case against these respondents with ulterior motives His petition is unsustainable in law and cannot have any legal existence The respondents submit that the Petition may be dismissed and they will file further objections, if any, after obtaining a copy of the appeal petition

(Sd) Rhowdan Al

(Sd) Mohammed Jaffar

RESPONDENTS

Bangalore,
Date 21/11/1



In the Court of The Hon the Minister for Local Self Govt Govt of Mysore Bangalore

Jus No of 1955

Plaintiff/Appellant/Petitioner Decree Holder/Claimant Complainant		Defendant/Respondent Judgement Debtor Accused
Ahmed Sheriff	Vs	Rhousan Ali & another

1 I/We the Respondents above named do by these presents retain Sri S Srinivasan BA LL.B ADVOCATE BANGALORE CITY

to appear and conduct the above case on my/our behalf to judgement R H V Venkatasubb BA Advocate

2 I/We further empower him/them to appear plead file petitions enter into compromise and do all necessary acts in the above case to execute any decree or order that may be passed in my/our behalf to prefer an appeal from any order judgement and to receive from the Court all the documents refunds and all sums of money that I/We may be entitled to get and grant receipts therefor and to effect compromise or settlement

3 I/We also undertake to confirm and ratify all the acts done by any of the said Advocates or by any other Advocate or Pleader on his/their behalf in so doing

4 I/We further agree that if I/We fail to pay the fees agreed upon or to give due instructions at proper stages he/they is/ are at liberty to retire from the case and recover all dues due to him/them and retain all my/our papers till such dues are paid

(Sd) Roshanali

Sd Mohammad Jaffar

Place

Date 19

Pers nally known to me and Signed in my presence
S t sfied as to identity of Signature of E ecutant

T Nagesha Rao
Advocate

Accepted
K T Nagesha Rao
Advocates for

Sold at The Bangalore Legal Practitioners Co operative Society Ltd Bangalore 2

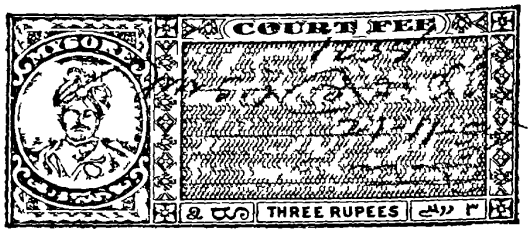
That was an order pa
with a view to cause further trouble, has now come forward,
it appears with the petition before the Hon'ble Government
The respondents submit that the petitioner has no case and
he has foisted the case against these respondents with ulterior
motives His petition is unsustainable in law and cannot
have any legal existence The Respondents submit that the
Petition may be dismissed and they will file further objec-
tions, if any, after obtaining a copy of the appeal petition

(Sd) Rhouban Al

(Sd) Mohammed Jaffa

RESPONDENTS

Bal
Dat



In the Court of The Hon the Minister for Local Self Govt
Jus No of 1955 Govt of Mysore Bangalore

Plaintiff/Appellant/Petitioner Decree Holder/Claimant Complainant		Defendant/Respondent Judgement Debtor Accused
Ahmed Sheriff	Vs	Rhousan Ali & another

I/We – The Respondents *above named do by these presents retain*

Sri S [illegible] BA LL.B
ADVOCATE
[illegible] ROAD
BANGALORE CITY

to appear and conduct the above case on my/our behalf to judgement

T N D Venkatasubba Rao B.A
Advocate

2 I/We further empower him/them to appear plead file petitions enter into compromise and do all necessary acts in the above case to execute any decree or order that may be passed in my/our behalf to prefer an appeal from any order judgement and to receive from the Court all the documents refunds and all sums of money that I/We may be entitled to get and grant receipts therefor and to effect compromise or settlement

3 I/We also undertake to confirm and ratify all the acts done by any of the said Advocates or by any other Advocate or Pleader on his/their behalf in so doing

4 I/We further agree that if I/We fail to pay the fees agreed upon or to give due instructions at proper stages he/they is/ are at liberty to retire from the case and recover all dues due to him/them and retain all my/our papers till such dues are paid

(Sd) Roshanala

Place

Date 19

Sd Mohammad Jaffar

Personally known to me and Signed in my presence
Satisfied as to identity of Signature of Executant

T Nagesha Rao
Advocate

Accepted
T Nagesha Rao
Advocates for Respondents

Sold at The Bangalore Legal Practitioners Co operative Society Ltd Bangalore 2

Date 24/11/53

Subject Appeal petition dated
13 6 55 from Sri Ahamed Shariff
Against the allotment of Stall
No 19 Evening Bazaar Kurubarahalli
Madras Bangalore City Town
Asst Counsel Sri L Sun a Ready
B A dd B

No L 11457/CM 4-55-135
D 16-12-55 Dy Revenue

To
The Commr C C B
Thro the Mayor

Sir.

With reference to your letter No
A3 PR 1584/52-53 Dt 10/12 55
on the above subject I am directed
to request you to intimate whether
the period of the lease in Question
should be deemed to have been
covered by Section 106 of the Transfer
of property Act The Advocate for
the Corporation may perhaps be able
to throw some light on the point
I may also be consulted
I am also to request you to
intimate whether necessary steps
will be taken for getting fresh
lease deed executed

An early reply is requested

The records accompany
for reference & return

No L 11457/CM 4-ST-/35 D 16-12-ST
In Record

The
Education & L S G Departments

The Commissioner,
Corporation of the City of Bangalore,
(Through the Mayor)

Sir,

Subject - Appeal petition dated 13-6-1955, from Sri Ahamed Sheriff against the allotment of Stall No 19, Evening Bazaar, Krishnarajendra Market, Bangalore City, through their Counsel Sri L Srinivasa Reddy, B A ,LL B

= =

With reference to your letter No A3 P R 1584/54-55 dated 10/12-8-1955, on the above subject, I am directed to request you to intimate whether the period of the lease in question cannot be to have been covered by Section 106 of the Transfer of Propert The Advocate for the Corporation may perhaps be able to throw light on the point He may also be consulted I am also to r you to intimate whether necessary steps will be taken for gett fresh lease deed executed

An early reply is requested

The records accompany for reference and retransmis

Yours faithfully,

(V Hanumanthappa)
For Secretary to Governme
Education & L S G Departm

HGN 2/15 12

CORPORATION OF THE CITY OF BANGALORE

No A3 Pr 1534/55-56 — CORPORATION OFFICES

Encls cwo/Ke

8108 BANGALORE

31 JAN 19 Dated 25th January 195

THE COMMISSIONER,

CORPORATION OF THE CITY OF BANGALORE,

BANGALORE

ema-55-188

To

The Secretary to the Government of Mysore,
Education and L S G Departments,
Bangalore

SIR,

Subject: Appeal petition dated 13-6-1955 from Sri Ahmed Sheriff against the allotment of stall No 19 Evening Bazaar, Krishnarajendra Market, Bangalore City through their Counsel Sri L Srinivasa Reddy B A ,LL B

Ref: Correspondence ending with your letter No 11457/C M 4-55-135 dated 16-12-1955

As desired in your letter referred to above the Corporation Advocate was consulted and his opinion in the matter is enclosed for your reference

Necessary steps will be taken to get fresh lease deeds executed by the two parties in whose names each divided portion of the stall has to stand, after final orders are received from Government

The entire records are transmitted as desired

Yours faithfully,

(D R Chennarudraiya
COMMISSIONER

24/1/56

Appendix F G—11
SUBJECT

Copy of Corporation Advocate opinion dated 16-1-1956 20

From the Enquiry held by the Commissioner and his findings it is clear that neither party to the dispute has any legal right to the claim set up by them Each is as much an unauthorised occupant as the other They have carried on without obtaining th permission of the Commissioner as contemplated under Sec 313 of Corporation Act and they are liable to be dealt with as laid dowr in Sec 313 (2) It is on considerations of Equity that the Commissioner allowed them to continue

Further the occupants of the market stalls are only licensees and what they pay is a 'Fee' for the use of the stall or the right to expose goods for sale It is a misnomer to call the payment 'Rent The case is not covered by Sec 106 of the T P Act

---

"Copy"

For Commissioner

INL/-

GOVERNMENT OF MYSORE

Mysore Government Secretariat

9367/CM 4-58-238 *Dated Bangalore* 3-9- 1956

ENDORSEMENT

Sri Ahmed Sheriff,
Stall No 19, Evening Bazaar,
K R Market, Bangalore-2 through Sri A Srinivasa Reddy, B A LL Advocate, Room No 5, K R Market, BLORE-2

In reply to his petition dated 13-6-1955 regarding allotment of the entire shop No 19, Evening Bazaar, K R Market, Bangalore City, to him, Sri Ahmed Sheriff is hereby informed that Government do not consider this to be a fit case to interfere with the order passed by the Commissioner Corporation of the City of Bangalore

sd/-

(P POHNAPPA)
for Secretary to Govern ent
Education & LSG Department.

bws 28 8
Memo No L 9368 D 3-9-56

Copy of the above is forwarded to the Commissioner, Corporation of the City of Bangalore, through the Mayor, for information with reference to his letter No A3 PR 158/55-56 dated 25-1-56 The connected records are herewith returned

for Secretary to Government
Education & LSG Departments

Diary No of letter replied to

Mysore Government Secretariat

( )

the *195*

Date of issue

Signed by

t of enclosures

Copied by

Examined by

File No 4-1 J

Serial No 238

No L 9367 Endt 03-9-86

No

To Sri Ahmed Sheriff
Stall No 19 Evening Bazaar
K.R. Market Bangalore
through Sri L. Srinivasa Reddy BA's
Advocate Room No 05
K.R. Market Block 2

In reply to his petition
dated 13 6 55 requesting
allotment of the enclosure shop
No 19 Evening Bazaar K.R. Mkt
Bgle, I am Sri Ahmed Sheriff
is hereby informed that Govt
do not consider this to be
fit case to interfere with the
order passed by the Commr of

No L 9368 03-9-86

₹ 26/8/86

Dy Secy to Govt

C/lg to the Commr for B for the Mayor
with reference to his letter No dated 30/8/86 of Endt
dated 2-5-1956 the connected records are herewith

WD 0257—GPB—P Z S—1 20 000—6 6 55

Appendix F G —1]

SUBJECT Allotment of entire Shop No 19, Evening Bazaar KR Market, Bangalore city — appeal (— Memo No L 9368/57 3 9 58)

Diary No of letter replied to

Mysore Government Secretariat

( )

the *195*

Date of issue

Signed by

Do No A3/PR 1584/5556 19/21 9 58
Do No A 3 PR 1584/5556 of 29/5756 5/11/58
Do No A3 Pr 1584/5556 of 11/12 56

List of enclosures

Copied by

Examined by

1 cylr

Section

File No

Serial No

No L 13894/WIR Dt 29-12-58

To

The Commissioner

Corporation of the city of Bangalore

With reference the marginally noted Do letters on the above subject I am directed to return herewith the Corrected records in the matter, as requested

2) the receipt of the records may kindly be acknowledged

Yours faithfully

for Secy to Govt

WD 03736 GPB—P Z S — 50 000—1 3 56

Mysore Government
xxxxxxxxxxxxxxx

No L 13894/D 29-12-56
WLR

The
L S G & Public Health Department

The Commissioner,
Corporation of the City of Bangalore,
Bangalore.

Subject:- Allotment of entire shop No 19, Evening Bazaar, K R Market, Bangalore City - Appeal - (Memo No L 9368, dated 3 9 1956)

Sir,

With reference to the marginally noted D O letters on the above subject, I am directed to return herewith the connected records in the matter, as requested

1. D O No A3/PR 1584/55-56, dated 19/22 9 1956
2 D O No A3.P R 1584/55-56 dated 29.5 1956
5 11 1956
3. D.O.No.A3.Pr.1584/55 36 dated 11.12.1956.

5 The receipt of the records may kindly be acknowledged

Yours faithfully,

(M A Meccai)
for Secretary to Government,
L S G & Public Health Department.

SM 2/28 12

Appendix F G—1]

SUBJECT Allotment of Shop No 19, Ceremony Bazaar, K R Market Blore

Diary No of letter replied to

Mysore Government Secretariat

( )

the 195

Date of issue

Signed by

List of enclosures

Copied by

Examined by

Section C7

File No A - 53

Serial No 2145

No L 14805 D 21-1-57

To

Endorsement to

Sri. Rosharaah

Thro' the Counsel

Sri S J Somasundaram

Advocate

Avenue Road

Bangalore 2

With reference to his petition dated 11/13 9-57 requesting the grant of a copy of endorsement issued in the above case he is hereby informed that Government

WD 03736 GPB—P Z S — 50 000—1 3 56

do not consider this to be a fit case to interfere with the order passed by the Commissioner Corporation of the city of Bijapur

for Secy to Govt,
Com & SH & AP Dept.

Memo No 14806 Dt 21-1-57

Copy of the above is forwarded to the Comr Corporation of the city of Bijapur (along with the papers) for information

for Secy to Govt,
Com & SH & AP Dept